IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13.12.2004

CORAM:

THE HONOURABLE MR.MARKANDEY KATJU, THE CHIEF JUSTICE

AND

THE HONOURABLE MR. JUSTICE N.V.BALASUBRAMANIAN

W.A. No. 4112 of 2004
and
W.A.M.P. 7740 of 2004

The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
C.S.D.Building (1st floor),
H.M.T. Complex, Jalahalli,
Bangalore-506 031. Appellant/Respondent1

Vs.

Sri Krishnasamy Reddiar Educational
Trust rep. by its Secretary,
N.Vijayakumar,
No.112, Nellikuppam High Road,
Cuddalore-607001. Respondent/Petitioner

Prayer: Appeal under clause 15 of the Letters Patent against the order of this Court in W.P. No.31913 of 2004 dated 8.11.2004.

For appellant :: Mr.V.T.Gopalan, Additional Solicitor General for Mr.S.Udayakumar, ACGSC.

For respondent :: Mr.R.Thiyagarajan, senior counsel for Mr.R.Sureshkumar.

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(Judgment of the Court was delivered by
The Hon'ble Chief Justice.)

This writ appeal has been filed against the impugned judgment of the learned single Judge dated 8.11.2004. We have heard the learned counsel for the parties and carefully perused the impugned order as well as other papers on record.

2. We have already held in W.A.Nos.4109 and 4110 of 2004 today that Regulation 3 of the National Council for Teacher Education Regulations, 2002 and Appendix 1-B to the same is very clear with regard to the manner of making application and hence the impugned order of the Regional Committee cannot be faulted. We have also observed in that judgment that the plea of violation of Article 14 of the Constitution of India was not taken by the writ petitioners in that case.

3. Learned senior counsel appearing for the respondent in this appeal, however, has contended that the plea of violation of Article 14 of the Constitution was taken in this case and he has invited our attention to the relevant documents on record. We find, in this case, that no doubt the plea of violation of Article 14 of the Constitution was taken since there was allegation that the other institutions, which had been granted no objection certificate subsequent to 31.12.2003, had been granted recognition for the academic year 2004-2005. However, it appears that those institutions were directed to be granted recognition by an order of a learned single Judge of this Court and it is not that the Regional Director granted recognition on his own. Against the judgment of the learned single, Writ Appeal No.3717 of 2004 is pending in this Court, in which judgment has been reserved by a Division Bench. Thus, it is evident that no recognition was granted in such cases by the Regional Director on his own and hence there cannot be any complaint of violation of Article 14 of the Constitution.

4. This being so, this writ appeal is also allowed and the impugned order is set aside. No costs. Consequently, WAMP No.7740 of 2004 is closed.

ns.

Sd/
Asst.Registrar

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Sub Assistant Registrar

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To

The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
C.S.D.Building, (1st floor), H.M.T. Complex,
Jalahalli, Bangalore-506 031.

1 cc to Mr. S. Udayakumar, Advocate, SR. 54628
1 cc to MR. R. Sureshkumar, Advocate, SR. 54587

W.A. No. 4112 of 2004

MJ (CO)
kk

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